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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

03/29/2005

Kevin L Waugh
The Procter & Gamble Company
Miami Valley Laboratories
PO Box 538707
Cincinnati, OH 45253-8707

EXAMINER

DELCOTTO, GREGORY R

ART UNIT

PAPER NUMBER

1751

DATE MAILED: 03/29/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,635	02/26/2002	Robert Richard Dykstra	7749X	3355

TITLE OF INVENTION: CONTROLLED AVAILABILITY OF FORMULATION COMPONENTS, COMPOSITIONS AND LAUNDRY METHODS EMPLOYING SAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$1400	06/29/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

**Mail Stop ISSUE FEE
Commissioner for Patents
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 03/29/2005

Kevin L Waugh
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PO Box 538707
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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,635	02/26/2002	Robert Richard Dykstra	7749X	3355

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APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$1400	06/29/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
DELCOTTO, GREGORY R	1751	510-314000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXAMINER

DELCOTTO, GREGORY R

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 703 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 703 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Notice of Allowability

Application No.

10/069,635

Examiner

Gregory R. Del Cotto

Applicant(s)

DYKSTRA ET AL.

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1, 3-9, and 11-15 renumbered 1-13.
3. ☐ The drawings filed on ____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 3/17/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.


Gregory R. Del Cotto
Primary Examiner
Art Unit: 1751

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DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-4 and 59, drawn to a method for laundering comprising contacting a fabric in need of cleaning.

Group II, claim(s) 5-58 and 60-63, drawn to a bleaching composition.

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Claim 1, at least, is anticipated by or obvious over Madison et al (US 5,550,256). Consequently, the special technical feature which links claims 1-63, an organic catalyst, does not provide a contribution over the prior art, so unity of invention is lacking.

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

1. Embodiments wherein the organic catalyst is aryliminium cations and polyions having formulas I and XI.
2. Embodiments wherein the organic catalyst is aryliminium zwitterions having formula II and XII.
3. Embodiments wherein the organic catalyst is a modified amine of formula V and XV.

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4. Embodiments wherein the organic catalyst is a modified amine of formula VI and XVI.

5. Embodiments wherein the organic catalyst is a modified amine oxide of formula VII and XVII.

6. Embodiments wherein the organic catalyst is a modified amine oxide of formula VIII and XVIII.

7. Embodiments wherein the organic catalyst is a modified amine oxide of formula IX and XIX.

8. Embodiments wherein the organic catalyst is a modified amine oxide of formula X and XX.

9. Embodiments wherein the organic catalyst has formula XXIa and XXVIIIa.

10. Embodiments wherein the organic catalyst has formula XXIb and XXVIIIb.

11. Embodiments wherein the organic catalyst has formula XXII and XXIX

12. Embodiments wherein the organic catalyst has formula XXIII.

13. Embodiments wherein the organic catalyst is an oxaziridinium cations and polyion having formula III and XIII.

14. Embodiments wherein the organic catalyst is an oxaziridinium zwitterions having formula IV and XIV.

15. Embodiments wherein the organic catalyst has formula XXIVa and XXXIa.

16. Embodiments wherein the organic catalyst has formula XXIVb and XXXIb.

17. Embodiments wherein the organic catalyst has formula XXV and XXXII.

18. Embodiments wherein the organic catalyst has formula XXVI.

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19. Embodiments wherein the organic catalyst has formula XXVII.

20. Embodiments wherein the organic catalyst has formula XXVI

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner:

1. Claims 1-15.
2. Claims 1-15.
3. Claims 1-15 and 32-63.
4. Claims 1-15 and 32-63.
5. Claims 1-63.
6. Claims 1-63.
7. Claims 1-63.
8. Claims 1-63.
9. Claims 1-15.

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10. Claims 1-15.
11. Claims 1-15.
12. Claims 1-15.
13. Claims 1-15.
14. Claims 1-15.
15. Claims 1-15.
16. Claims 1-15.
17. Claims 1-15.
18. Claims 1-15.
19. Claims 1-15.
20. Claims 1-15.

The following claim(s) are generic: Claims 1 and 5.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: Pursuant to PCT Rule 13.2 and PCT Administrative Instructions, Annex B, Part 1(f)(I)(B)(2), the species are not art recognized equivalents.

During a telephone conversation with James McBride on March, 17, 2005, a provisional election was made with traverse to prosecute the invention of Group II, claims 5-58 and 60-63, and the species of Formula I and Formula XI. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-4 and 16-

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63 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James McBride on March 17, 2005.

The application has been amended as follows:

The Specification:

As the first sentence of the specification, insert the following sentence:

-- This application claims priority under 35 USC 119(e) to provisional application 60/151,002, filed 8/27/99 and provisional application 60/151,004, filed 8/27/99. --

The Abstract:

As the last page of the specification, insert the following Abstract:

-- Abstract of the Disclosure

The present invention relates to a method for the controlled availability formulation components, such as organic catalysts, into a wash solution. More particularly, the present invention relates to products and bleaching compositions containing such formulation components and laundry methods employing such formulation components. --

The Claims:

In claim 1, line 1, delete "with an organic catalyst by controlled availability method" and insert -- with a bleaching composition according to claim 5 --.

In claim 3, line 1, delete "2" and insert -- 1 --.

In claim 3, line 3, delete "a)".

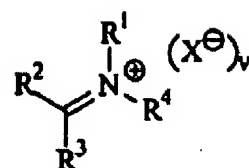
In claim 3, line 24, delete the text beginning with "..." and ending with "...mixtures thereof" on line 208.

In claim 5, line 1, after "composition" insert -- in granular, powder, bar, paste, gel, pill, tablet, or gelcap form --.

In claim 5, line 3, delete "an" and insert -- an encapsulated or agglomerated --

In claim 5, line 3, after "catalyst" insert -- selected from the group consisting of aryliminium cations and aryliminium polyions, which have a net charge of from about +3 to about -3, that are represented by the formula [I]:

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(I)

where R^2 and R^3 are independently selected from substituted or unsubstituted radicals selected from the group consisting of H, alkyl, cycloalkyl, aryl, alkaryl, aralkyl, heterocyclic ring, silyl, nitro, halo, cyano, sulfonato, alkoxy, keto, carboxylic, and carboalkoxy radicals; R^1 and R^4 are selected from substituted or unsubstituted, saturated or unsaturated radicals selected from the group consisting of H, alkyl, cycloalkyl, aryl, alkaryl, aralkyl, heterocyclic ring, silyl, nitro, halo, cyano, alkoxy, keto and carboalkoxy radicals; and X^- is a suitable charge-balancing counterion; and v is an integer from 1 to 3.

--.

In claim 5, line 5, after "method" insert --, the availability of said organic catalyst being delayed until after said peroxygen source has been released, such that said organic catalyst is made available by said controlled availability method --.

In claim 11, line 1, delete "10" and insert -- 5 --.

In claim 11, line 3, delete "a)".

In claim 11, line 24, delete the text beginning with "..." and ending with "...mixtures thereof" in line 208.

In claim 12, line 1, delete "compound" and insert -- composition --.

In claim 13, line 1, delete "an organic catalyst" and insert -- a bleaching composition according to claim 5 --.

In claim 13, line 3, delete "wherein the organic catalyst becomes available in said wash solution by a controlled availability method".

Cancel claims 2, 10, and 16-63.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Note that, the Examiner's Amendment is sufficient to place the instant claims in condition for allowance. Applicant has agreed to cancel non-elected claims 16-63.

Claims 5-15 are directed to an allowable product. Pursuant to the procedures set forth in the Official Gazette notice dated March 26, 1996 (1184 O.G. 86), claims 1-4, directed to the process of making or using the patentable product, previously withdrawn from consideration as a result of a restriction requirement, are now subject to being rejoined. Process claims 1-4 are hereby rejoined and fully examined for patentability under 37 CFR 1.104. In accordance with the Official Gazette notice, *supra*, process claim 59, which does not depend from or otherwise include all the limitations of the allowable product, has NOT been rejoined.

Of the references of record, the most pertinent is Miracle et al (US 5,576,282). Miracle et al teach bleach boosters comprising zwitterionic imines and anionic imine polyions having a net negative charge. The bleach boosters increase bleaching effectiveness in lower temperature solutions and demonstrate superior color safety profiles. See Abstract. However, Miracle et al does not teach a bleaching composition or method of bleach fabrics using such a composition containing a peroxygen source and a bleach catalyst wherein the bleach catalyst is encapsulated or agglomerated such that its availability to clean is delayed until the peroxygen source has been released as recited by the instant claims. Accordingly, since the prior art fails to teach or suggest

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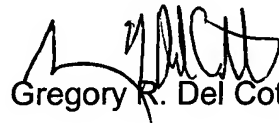
such a composition and method of using such a composition as recited by the instant claims, the instant claims are deemed allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory R. Del Cotto whose telephone number is (571) 272-1312. The examiner can normally be reached on Mon. thru Fri. from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gregory R. Del Cotto

Application/Control Number: 10/069,635

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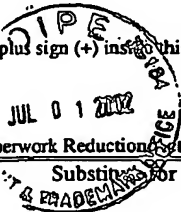
Art Unit: 1751

Primary Examiner
Art Unit 1751

GRD
March 17, 2005

Continuation of Substance of Interview including description of the general nature of what was discussed: Applicant agreed to insert the elected species of Formula I into claim 5. Additionally agreed to cancel claims drawn to the non-elected species and cancel claims 2, 10 and 16-63. Additionally, Applicant agreed to make any other changes as indicated in the attached Examiner's Amendment. .

Please type a plus sign (+) inside this box → [+]



PTO/SB08A (10-01)

Approved for use through 10/31/2002 OMB 0651-0031

Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

SHEET 1 of 2

COMPLETE IF KNOWN

Application Number	10/069,635
Confirmation Number	3355
Filing Date	February 26, 2002
First Named Inventor	Robert Richard Dykstra
Group Art Unit	Not assigned
Examiner Name	Not assigned
Attorney Docket Number	7749X

U. S. PATENT DOCUMENTS

EXAMINER INITIALS*	Cite No. ¹	DOCUMENT NUMBER		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ²	(if known)			
ND	1	US-5,360,568		11/1/1994	Madison et al.	
ND	2	US-5,360,569		11/1/1994	Madison et al.	
ND	3	US-5,370,826		12/6/1994	Madison et al.	
ND	4	US-5,576,282		11/19/1996	Miracle et al.	
ND	5	US-5,817,614		10/6/1998	Miracle et al.	
ND	6	US-5,041,232		8/20/1991	Batal et al.	
ND	7	US-5,045,223		9/3/1991	Batal et al.	
ND	8	US-5,047,163		9/10/1991	Batal et al.	
ND	9	US-5,310,925		5/10/1994	Batal et al.	
ND	10	US-5,413,733		5/9/1995	Nicholson et al.	
ND	11	US-5,482,515		1/9/1996	Madison et al.	
ND	12	US-5,550,256		8/27/1996	Madison et al.	
ND	13	US-5,478,357		12/26/1995	Madison et al.	
ND	14	US-5,442,066		8/15/1995	Madison et al.	
ND	15	US-5,760,222		6/2/1998	Coope	
ND	16	US-5,753,599		5/19/1998	Coope et al.	
ND	17	US-5,652,207		7/29/1997	Ghatlia	
ND	18	US-4,505,908		3/19/1985	Zeugner et al.	
ND	19	US-4,325,957		4/20/1982	Zeugner et al.	
ND	20	US-4,096,141		6/20/1978	Milkowski et al.	
ND	21	US-4,595,531		6/17/1986	Milkowski et al.	
ND	22	US-4,194,987		3/25/1980	Brubaker	
ND	23	US-5,693,603		12/2/1997	Ghatlia	
ND	24	US-5,710,116		1/20/1998	Miracle et al.	
ND	25	US-6,007,583 (equivalent to EP 909 810)		12/28/1999	Nestler	
ND	26	US-6,120,557 (equivalent to EP 909 810)		9/19/2000	Nestler	
ND	27	US-5,952,282 (equivalent to EP 825 251)		9/14/1999	Löffler et al.	

FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS*	Cite No. ¹	FOREIGN PATENT DOCUMENT			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	r*
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				
ND	28	WO	98/23602	✓	6/4/1998	The Clorox Co.		
ND	29	WO	95/13352		5/18/1995	Unilever		
ND	30	WO	95/13353	✓	5/18/1995	Unilever		
ND	31	WO	95/13351		5/18/1995	Unilever		
ND	32	WO	97/06147		2/20/1997	Unilever		
ND	33	WO	98/23717		6/4/1998	Unilever		
ND	34	WO	98/15535		4/16/1998	Fujisawa Pharm.		
ND	35	WO	95/28399		10/26/1995	Glaxo Wellcome Inc.		
ND	36	WO	98/07825		2/26/1998	Unilever		
ND	37	CA	1,122,980 (equivalent to EP 004 024)		5/4/1982	Kalbe-Chemie Pharm.		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

[Handwritten signature]

3/17/05

EXAMINER INITIALS*	Cite No.	Include name of the author (include CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, etc.), date, page(s), volume-issue number(s), publisher, city, and country where published	T ³
AD	88	H. Böhmert et al., <i>Über Derivate des 1,2,3,4,5-Pentahydro-2-benzazepins</i> , <i>J. Pharm.</i> , Vol. 306 (4), 1972, pp. 271-274	
EXAMINER	JUL 01 2002	DATE CONSIDERED	3/17/05

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<u>Atty. Docket No.</u>	<u>Serial Number</u>	<u>Inventor(s)</u>	<u>Filing Date</u>
7752M	10/069,634	Dykstra et al	February 26, 2002
7753M	10/069,632	Dykstra et al	February 26, 2002
7754M	10/069,633	Dykstra et al	February 26, 2002
7755	10/069,628	Dykstra et al	February 26, 2002
7756X	10/069,631	Dykstra et al	February 26, 2002
7756XC	10/083,948	Dykstra et al	February 27, 2002
7757	10/069,630	Dykstra et al	February 26, 2002
7758M	10/069,629	Dykstra et al	February 26, 2002

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3/19/05